IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8269 OF 2005

Smt. Lalitabai Shankar Kale
Since deceased through her heirs
And legal representatives,
Smt. Sindhu Kisan Kale & Ors. .. Petitioners.

vs.

Shri Dilip Narhari Doiphone
& Anr. .. Respondents.

Mr. Dilip Badake for petitioners.

CORAM : S.U. KAMDAR, J.
DATE : 6th December, 2005.

P.C.:

. The present petition is challenging the order dated 5.9.2005 passed by the Appellate Court in Misc. Civil Appeal No. 156 of 2003. By the impugned order the order of injunction granted by the trial Court is set aside. The appellate court after considering the material on record has come to the conclusion that the petitioners were seeking to protect their possession have failed to establish that they are in possession of the property. The

petitioners have placed reliance on 7 x 12 extract which is a revenue extract and some affidavits. The appellate court has not believed the said documents to show that the petitioners are in possession of the said property. The reasoning of the appellate court cannot be considered as perverse nor I find any error apparent on the face of the record calling for interference in writ jurisdiction under Article 227 of the Constitution of India. Petition dismissed accordingly. No order as to costs. Hearing of the suit expedited.